

New Jersey Attorney ID#: 029371985
Paul N. Mirabelli, Esq.
3400 Hwy 35, Suite 4
Hazlet, New Jersey 07730
(732)264-3880
Attorney for Debtor

In re: Brian J. Ashmore
and Theresa M. Ashmore

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Chapter 13

Bankruptcy No: 22-13953-MBK

Judge: Michael B. Kaplan

**Notice of Motion Objecting to Proof of
Claim**

To: Wells Fargo, NA
c/o Matthew Fissel Esq
Brock and Scott PLLC
302 Fellowship Road Suite 130
Mount Laurel, NJ 08054

To: PNC Bank, NA
c/o Denise Carlon Esq.
KML Law Group P.C.
701 Market Street STE 5000
Philadelphia, PA 19106

PLEASE TAKE NOTICE that on 23rd day of January 2023 at 10 AM in the forenoon, or as soon thereafter as counsel may be heard, the undersigned, Paul N. Mirabelli, attorney for the Debtors, shall make application before the United States Bankruptcy Court District of New Jersey, for and Order as follows:

1. Modifying Proof of Claim #7 filed by PNC Bank NA
2. Modifying Proof of Claim #5 filed by Wells Fargo Bank NA

If you disagree with the objection you must file a response to the Objection with the Clerk of the Bankruptcy Court at the address below on or before 1/9/22.

At the same time you must also serve a copy of the response upon the Debtor's Attorney Paul N. Mirabelli Esq. 3400 Highway 35 Suite 4, Hazlet, NJ 07730

PLEASE TAKE FURTHER NOTICE that in support of the within application, the undersigned shall rely on the annexed Certification of Debtor in Support of Motion.

Pursuant to Rule 1:6-2, oral argument is requested.

Dated: 12/15/22



Paul N. Mirabelli Esq. attorney
for the Debtors

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Order

This matter having come before the Court on the application of Paul N. Mirabelli, Attorney for the Debtor, and the Court having considered the papers filed and the argument of council if any and for other good cause shown;

It is on this day of January 2023 Ordered that:

1. The Proof of Claim #5 from Wells Fargo N.A. should be amended to show \$0 needed to cure arrears at the time of the filing of the petition.
2. The Proof of Claim #7 from PNC Bank N.A. should be amended to show 0\$ is the necessary amount to cure any default.

Honorable Judge Michael B. Kaplan

New Jersey Attorney ID#: 029371985

Paul N. Mirabelli, Esq.

3400 Hwy 35, Suite 4

Hazlet, New Jersey 07730

(732)264-3880

Attorney for Defendant

In re: Brian J. Ashmore
and Theresa M. Ashmore

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Chapter 13

Bankruptcy No: 2-13953-MBK

Judge: Michael B. Kaplan

**Certification in Support of Motion
Objecting to Proof of Claim**

I, Brian J. Ashmore, do hereby Certify as follows:

1. I, am the debtor in the above captioned Bankruptcy and I make this Certification in Support of my Notice of Motion to modify the Proof of Claims of PNC Bank NA and Wells Fargo NA.

2. I am seeking to modify the Proof of Claim #7 from PNC Bank, NA. The claim is a secured claim based on a recorded Mortgage which is a Home Equity Line.

3. The principal balance of the Home Equity loan is \$26,810.17

4. The claim states that the amount necessary to cure the default as of the filing of the petition is \$26,810.17; the principal balance.

5. There is no default. The Debtor is current with this Mortgage (see attached Home Equity Statement dated 11/1/22 which shows the Debtor is current as Exhibit A).

6. Based on the foregoing, the Proof of Claim should be amended to show \$0 is the amount necessary to cure any default.

7. I am seeking to modify the Proof of claim #5 from Wells Fargo NA.

8. The claim is a secured claim based upon a recorded mortgage

9. The proof of claim states that the amount necessary to cure any default as of the date of the filing was \$3054.39 which represents an Escrow shortage. The escrow shortage was resolved on July 25, 2022 by adjusting the payment so that there was no escrow showing (see attached marked Exhibit B).

10. Based upon the foregoing the proof of claim should be modified to show \$0 needed to cure arrears at the time of the filing of the petition.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated:

By:



Brian J. Ashmore